

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

COURTROOM PROCEEDINGS

The court met in its courtroom at 1:30 P.M. Present: Honorable James A. Ardaiz, Presiding Justice; Honorable Herbert I. Levy, Associate Justice; Honorable Stephen Kane, Associate Justice; and Leisa V. Biggers, Clerk/Administrator, by Anthony Lauria, Senior Deputy Clerk.

F049749 Friant Water Authority v. Co. of Madera et al.

Cause called and argued by R. Bruce Tepper, Esq., counsel for appellant and by Andrew B. Sabey, Esq., counsel for respondent County of Madera and by Timothy Jones, Esq., counsel for respondent Central Green Co..

Cause ordered submitted.

At this point Ardaiz, P.J. directs Levy, J. to act as Presiding Justice in his absence and leaves the bench with Kane, J.; they are replaced by Gomes, J. and Hill, J.

F050149 People v. Banks

Cause called and argued by David J. Macher, Esq., counsel for appellant and by Kelly E. LeBel, Deputy Attorney General, counsel for respondent.

Cause ordered submitted.

Court recessed until Friday, May 11, 2007, at 10:00 A.M.

F049570 People v. Mitchell

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

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F049570 People v. Mitchell

Appellant's convictions of being a felon in possession of a firearm (12021, subd. (a)(1); count 3) and carrying a loaded firearm while actively participating in a criminal street gang (12031, subd. (a)(2)(C); count 5) are reversed. The sentence imposed on count 7 is vacated. The superior court is directed to (1) prepare an amended abstract of judgment indicating the foregoing and (2) forward a certified copy of the amended abstract to the Department of Corrections. In all other respects, the judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F050103 People v. Tamplin

The judgment of conviction is affirmed. The sentence is vacated and the matter is remanded for re-sentencing. Levy, J.

We concur: Harris, Acting P.J.; Gomes, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F051537 People v. Perez

The above-entitled case is submitted for decision.

F051537 People v. Perez

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F050497 People v. Guerrero

The above-entitled case is submitted for decision.

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F050497 People v. Guerrero

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F051142 In re T. P., a Minor

Appellant's motion of November 7, 2006, to declare her notice of appeal properly filed is granted. The judgment (the orders entered on August 22, 2006, from the Welfare. & Institutions Code, § 366.3 post-permanency review hearing) is affirmed. Harris, Acting P.J.

We concur: Wiseman, J.; Kane, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F050138 AMCOM Ins., Inc., v. Atkinson

The judgment is affirmed. Harris, Acting P.J.

We concur: Wiseman, J.; Kane, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F052673 Martinez et al. v. Gard

Appellant having failed to perform the acts necessary to procure the record after the clerk of the trial court issued notice pursuant to the provisions of rule 8.140, California Rules of Court, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

F049742 Orix USA Corporation v. Paul M. Honkavaara

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

IN THE

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F050078 People v. Reyes

The judgment is affirmed. Cornell, Acting P.J.

We concur: Dawson, J.; Hill, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F050175 People v. Tienda

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

F049324 People v. Reinhardt

The judgment is affirmed. Ardaiz, P.J.

We concur: Levy, J.; Gomes, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F049826 People v. Gomez

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

F049826 People v. Gomez

The judgment is affirmed. Vartabedian, Acting P.J.

We concur: Harris, J.; Levy, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F051459 In re Marissa S. et al., Minors

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

IN THE

Court of Appeal of the State of California

IN AND FOR THE

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F051459 In re Marissa S. et al., Minors

The order terminating parental rights is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F051305 In re Marissa S. et al., Minors

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F051305 In re Marissa S. et al., Minors

IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F052268 IMC Chemical, Inc. et al. v. W.C.A.B. and Steven L. Smith

The petition for writ of review is denied and the matter is remanded to the WCAB to award supplemental attorneys' fees for services rendered in connection with answering the petition. This opinion is final forthwith as to this court.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]